IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4279 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KALAVATIBEN NATHUBHAI GANDHI & 2 - Petitioner(s)
Versus
DISTIRCT PRIMARY EDUCATION OFFICER & 2 - Respondent(s)

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Appearance :
MR AR KAPADIA, FOR MR YN OZA for Petitioner(s) : 1 - 3.
RULE SERVED for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/05/2006

ORAL JUDGMENT

1.While admitting the petition by order dated 3rd September 1990, this Court had granted leave to amend to the petitioner. Learned advocate Shri A.R.Kapadia for the petitioners submits that due to oversight thhough this Court had granted the draft amendment

along with which the petitioner had produced the impugned order dated 29.5.90 passed by the District Primary Education Officer, District Panchayat, Valsad, the same could not be carried out. Learned advocate Shri Kapadia states that the amendment will be carried out during the course of the day.

2. In the present petition, the petitioners have challenged the order dated 29.5.90 by which they have been repatriated to Dang District on the ground that their transfer to Valsad District was found to be irregular. While admitting the petition, this Court had granted stay against the said order. The petitioners thus continued in Valsad District.

3. Though duly served, the respondents have neither appeared nor filed reply. I have, therefore no choice but to proceed ex parte. The impugned order was passed without hearing the petitioners. No notice or opportunity of being heard was given to the petitioners before the said adverse order was passed by the administration. The same is therefore quashed. Rule is made absolute with no order as to costs.

(Akil Kureshi, J.)

(vjn)